

REMARKS

The present application includes claims 1-73 wherein claims 38-73 have been examined in the present Office Action and claims 1-37 have been withdrawn from consideration based on a provisional election with traverse. Reconsideration and allowance for all of the claims in the present application are earnestly solicited in view of the following remarks.

During a telephone conversation on January 3, 2003 between Examiner Simone and Applicant's attorney, claims 38-73 were provisionally elected with traverse for examination and claims 1-37 were withdrawn from consideration in the present application during this telephone conversation. It is respectfully submitted that this restriction requirement be reconsidered and withdrawn as a serious burden on the Examiner has not been demonstrated if this restriction is required. Accordingly, it is respectfully requested that claims 1-37 along with claims 38-73 be examined in connection with the present application.

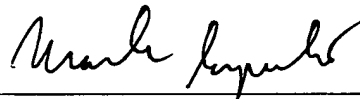
Claims 38-73 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,362,946. Filed herewith is a terminal disclaimer in accordance with 37 CFR § 1.321(c) to obviate this double patenting rejection. Accordingly, it is respectfully requested that this rejection under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn in view of the accompanying terminal disclaimer.

For all of the above stated reasons, it is respectfully submitted that all of the outstanding rejections have been overcome. Therefore, it is requested that claims 38-73 and withdrawn claims 1-37 of the present application be passed to issue.

If any issues remain unresolved, the Examiner is requested to telephone the undersigned attorney.

Please charge any additional fees or credit any overpayments to deposit account No. 50-0896.

Respectfully submitted,
Grant Kenji Larsen, Applicant

By: 
Mark A. Superko, Reg. No. 34,027
Varian Semiconductor Equipment
Associates, Inc.
35 Dory Rd.
Gloucester, Massachusetts 01930-2297
Telephone: (978) 282-5915

Docket No. VSEA 16-99